REMARKS

The outstanding Office Action dated September 21, 2006 has been thoroughly reviewed. Claims 1-6, 8-17, 30 and 32 are now pending with claims 1, 30 and 32 being independent. The specification and drawings (pursuant to a concurrently filed Request for Approval of Drawing Changes) have been amended to correct minor informalities noted by Applicant in reviewing the application. Claims 7, 18-29, 31 and 33-36 have been canceled without prejudice and/or disclaimer of subject matter. Applicant reserves the right to pursue such claims, as well as additional claim supported by disclosure of the subject application at a later time. Claims 1, 30 and 32 have also been amended to correct minor informalities noted by Applicant and the Action. No new matter has been added. Each of the issues raised in the outstanding Office Action is addressed below.

Restriction Requirement

The Examiner alleges that original claims 1-36 are directed to three separate inventions. In particular, the Examiner alleges that the original claims can be broken down into the following groups:

Group I Claims 1-17, 30 and 32, drawn to a method of providing funding to an individual;

Group II Claims 18-29, 31 and 33, drawn to a method for buying and selling shares in an individual using bidding;

Group III Claim 34, drawn to a method of selling shares;

Group IV Claim 35, drawn to a method for registering requests; and

Group V Claim 36, drawn to a method of registering offers and bidding on offers.

In a phone conversation between the Examiner and Applicant's representative, Group I was provisionally selected, with traverse, to examine for which the present Office Action was issued.

While not acknowledging that the claims are directed to different inventions, in an effort to speed up prosecution, Applicant hereby confirms the election of the claims of Group

I (claims 1-17, 30 and 32), without traverse. Accordingly, the remainder of the original claims have now been canceled.

Rejection Under §102

Claims 1-17, 30 and 32 were rejected under 35 U.S.C. §102 as reciting subject matter allegedly disclosed by U.S. patent no. 5,809,484 (Mottola). For at least the following reasons, the pending claims are patentable over the cited prior art.

The Invention

Claim 1 recites a method for providing funding to an individual by an investor and includes communicating a request for funding for an individual to one or more potential investors, and associating the request for funding with a cost of a share. The purchaser of the share receives an economic return comprising a percentage of the individual's income. The method also includes purchasing the share by at least one of the potential investors at a purchase price. At least a portion of the purchase price is forwarded to the individual as funding. Computer readable medium claim 30 and computer system claim 32 recite similar patentable features.

The Cited Prior Art

Mottola is understood by Applicant to be directed to a system and method for administering a plan for funding investments in education of a group of individuals. The education investment plan includes a unit investment trust for financing the educations of a predetermined number of students pursuing careers in preselected fields of study. The system selects students for participation in the plan by comparing their application responses in various categories, weighted according to a predetermined weighting scheme, to stored weighted criteria for the same categories. The education of accepted students is paid for by funds invested in the plan by investors. The students agree to assign a percentage of their future income for a limited time period to the plan, generating a return for the investors.

Analysis

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131, quoting, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Thus, Mottola can only anticipate the claimed invention if it discloses each and every element of the claimed invention.

After a thorough review of Mottola, Applicant could find no disclosure therein which neither discloses nor teaches/suggests the claimed invention. Specifically, Applicant could find nothing in Mottola which discloses, teaches or suggests, a method for providing funding to an individual by an investor, where a request for funding for an individual is communicated to potential investors. In Mottola, it is understood that the funding is offered to a plurality of students who submit applications to receive such funding; students are selected after reviewing their applications (upon predetermined criteria). In contrast, in the instant claimed invention, it is the individual seeking funding which communicates the request for funding, in development of an idea, a business or funding a college education. For the above-noted reason, at the very least, claims 1, 30 and 32 are patentable over the cited prior art.

Since the prior art of record does not meet the deficiencies noted above for Mottola, claims 1, 30 and 32 are also patentable over the prior art of record.

While the dependent claims are also considered patentable for the above-noted reasons, Applicant submits that separate consideration of patentability for the dependent claims is respectfully requested. For example, Applicant notes that neither the cited prior art nor the prior art of record discloses the additional features recited in either of claims 2 and 4 (at least). The Examiner noted that column 3, lines 25-58 disclose such features. However, a review of this section does not appear to disclose either the auctioning of a share (claim 2) or the mentoring component (claim 4). This section of Mottola is set out below.

> "The education funding plan described herein relies on the pooling of funds from a plurality of investors or shareholders, to provide the necessary funds for financing the educations of a predetermined number of students in pre-selected educational

> programs (e.g., particular fields of study or particular educational institutions). Students selected for the plan have their educations financed by the investors in exchange for predetermined portions of the students' future earnings, after graduation and securing employment. In other words, the investors, in effect, purchase a portion of each student's future expected earnings resulting from the education financed by the investors.
>
> Any desired mechanism can be used to form a pool of investors according to the invention. In the discussion that follows, the term "unit investment trust" is defined to mean a pool of money invested in a portfolio of particular students who are planning on pursuing particular educational programs, wherein the students, in exchange for the financing of their educations by the unit investment trust, transfer to the trust predetermined portions of their earnings. All funds received from students are paid out by the unit investment trust's trustee--e.g., a bank or trust company--to the shareholders in the unit investment trust, net of expenditures. Because the composition of the portfolio is preferably fixed, that is, the particular students participating in the education investment plan are preferably fixed, there is generally no continuing active management of the unit investment trust. A "unit investment trust" can include closed or open-ended investment companies (e.g., mutual funds), limited partnerships or other types of investment plans as appropriate."

Accordingly, Applicant is hard pressed to see either the auctioning feature or the mentoring component of Applicant's claimed invention.

In view of the arguments listed above, Applicant respectfully requests that the §102 rejection in view of Mottola be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that all issues raised in the September 21, 2006 Office Action have been addressed and request favorable reconsideration of the subject application. Applicant also respectfully requests that all of the prior art rejections issued in the outstanding Office Action be withdrawn and that the subject application be allowed. Accordingly, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

After review of Applicant's present response, should the Examiner feel that issues still remain that impede the allowance of the subject application, **Applicant invites the Examiner to call Applicant's below named representative directly to discuss such issues.**

No fees are believed due with this response. In the event that it is determined that additional fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. **50-0311**, Ref. No. 21822-005C, Customer No. **35437**.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should be directed to our New York office address, which is given below.

Respectfully submitted,

Dated: December 19, 2006

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